

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	:	
Fukuda et al.	:	Art Unit : 1625
	:	
Serial No. :	09/702,944	Examiner : P. Morris
	:	
Filed :	October 31, 2000	Patent No. : 6,812,238 B1
	:	
Title :	N-SUBSTITUTED CARBAMOYL-	Issued : November 2, 2004
	OXYALKYL-AZOLIUM	:
	DERIVATIVES	:

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR MISTAKE (37 C.F.R. 1.33)**

Sir:

A certificate of correction, under 35 U.S.C. 254, is requested for the above patent. It is noted that error appears in this patent of a clerical nature, as more fully described below. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination.

Attached hereto, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing.

This certificate of correction was the subject of various telephone exchanges between the undersigned attorney and Examiner Lewis of the Certificate of Corrections Ranch. During these telephone exchanges the undersigned attorney stated that we had filed an electronic mail a request for the Certificate of Correction on June 22, 2009 with respect to claim 3. Enclosed please find the following papers:

- A copy of the request for Certificate of Correction filed June 22, 2009; and
- A copy of our Certificate of Transmission of item a
- A Transmission Report indicating that this Certificate of Correction had been received in the US Patent and Trademark Office.

Upon reviewing the Certificate of Correction on June 22, 2009, we noticed that while correcting the omission of the definition of R¹ and R² from claim it did not insert

the definition of Q and X. Therefore, we are submitting a new Certificate of Correction to replace the Certificate of Correction submitted on June 22, 2009 to insert the definition of Q and X into claim 3.

The error appears in claim 3. This is the second Certificate of Correction with respect to claim 3. In the first Certificate of Correction the dependency of claim 3 upon 2 and 1 was removed. Prior to this first Certificate of Correction, Claim 3 was dependent upon claim 1 and set forth a formula containing various substituent which included R¹, R², Q and X. R¹, R², Q and X were defined in claim 1 but are not defined in claim 3. Since claim 3 is no longer dependent upon claim 1, the definition of R¹, R², Q and X no longer appears in claim 3. This correction is for the purpose of adding the definition of R¹, R², Q and X from claim 1 into now independent claim 3. Therefore, the following definition of R¹, R², Q and X is inserted into claim 3:

In column 52, prior to line 4 (claim 1, line 6),

R¹ is hydrogen or alkyl;

R² is hydrogen, alkyl, alkylcarbonyloxyalkyl, alkoxy carbonyl, alkylcarbonyl, mono- or dialkylaminoalkylcarbonyloxyalkyl.

Q is a 3-[4-(4-cyanophenyl)thiazol-2-yl)]-2-(2,5-difluorophenyl)-1-(1H-1,2,4-triazol-1-yl)-butan-2-ol moiety which is linked to the remainder of the compound of formula (I) by a nitrogen in the triazole;

X is a pharmaceutically acceptable anion,--

Clearly, the above amendment does not add any new matter to this claim or definition. The specification specifically recites this definition of R¹, R², Q and X. It is clear that the error was made through inadvertent mistake of applicant in presenting claim 3 as an independent claim in the first Certificate of Correction. This error was made through inadvertence and without any deceptive intent. It is clear that the change involve does not constitute any new matter or would require any reexamination of claim 3 since it in no way changes the scope of claim 3.

Since the error resulted from applicant's inadvertence a fee of one hundred dollars (\$100), as set forth in section 37 CFR 1.20(a), is due in respect to this matter. Please charge this fee to Deposit Account No. 03-3839.

If any additional fees are due in respect to this matter, please charge them to Deposit Account No. 03-3839.

Please send the Certificate of Correction to:

William H. Epstein
Gibbons P.C.
One Gateway Center
Newark, NJ 07102-5310

Respectfully submitted,



William H. Epstein
Registration No. 20,008
Attorney for Applicant

Gibbons P.C.
One Gateway Center
Newark, NJ 07102

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

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ISSUE DATE : November 2, 2004

INVENTOR(S) : Fukuda et al.

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X-is a pharmaceutically acceptable anion,--

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FROM: William H. Epstein

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William H. Epstein

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Client Matter

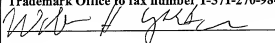
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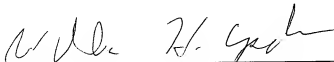
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June 22, 2009

on _____.

Date



Signature

William H. Epstein

Typed or printed name of person signing Certificate

20,008

973-596-4500

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1) Fax Coversheet
- 2) Request for Certificate of Correction of Patent for Mistake (37 C.F.R. 1.33) in duplicate
- 3) Certificate of Correction

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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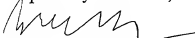
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